IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25054 of 2004

Between:

The Secunderabad Club, Secunderabad, rep. by its Secretary.

..... PETITIONER

AND

1 The Appellate Authority under S.274 of the Cantonments Act, GOC Incharge, Southern Command, Pune.
2 the Cantonment Executive Officer, Secudnerabad Cantonment, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, Order or direction in the nature of mandamus or otherwise declaring that the impugned proceedings of the Appellate authority dt. 21.5.2004 (Annexure IV) is arbitrary, illegal and ultra vires the powers of the First Respondent and consequently set aside the same by directing the first respondent to hear and dispose of the appeal of the Petitioner bearing No.1/2002 in accordance with law on merits preferably by fixing a date while the first respondent is on camp at Secunderabad or otherwise.

Counsel for the Petitioner: MR.VILAS V.AFZULPURKAR

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court made the following :

HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25054 OF 2004

ORDER:

This writ petition is directed against the order of the first respondent dated 21.5.2004 dismissing the Appeal No.1/2002 for non-cooperation of the petitioner counsel.

It is submitted by the learned counsel for the petitioner that the earlier counsel, who was representing the matter before the first respondent in the said appeal No.1/2002, has died and an alternate arrangement is made and the same is the reason for non-prosecution of the said appeal before the first respondent.

Both the counsel agreed for disposal of the writ petition with a direction to the first respondent to give one more opportunity to the petitioner.

In that view of the matter, the writ petition is disposed of with the following direction.

The Appeal No.1/2002 is restored to the file of the first respondent-Appellate Authority and the first respondent-appellate authority is directed to take the same on its file and shall fix a date for hearing the appeal after four weeks, from the date of receipt of this order, and the same shall be intimated to the petitioner and the petitioner or his counsel must appear before the Appellate Authority on the date so fixed by the it. If the petitioner seeks any adjournment, the Appellate Authority is at liberty to pass final order in the said appeal.

With the above observation, the writ petition is disposed of. No costs.

31.12.2004.

mdaa.

Copy to:

1 The Appellate Authority under S.274 of the Cantonments Act, GOC Incharge, Southern Command, Pune.
2 the Cantonment Executive Officer, Secudnerabad Cantonment, Secunderabad.

3. Two C.D.copies.